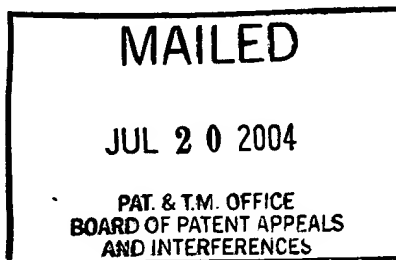


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Paper No. **13**

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

DONAT ELSENER and DANIEL RYSER,
Junior Party,
(Patent 6,555,792 B1)¹

v.

**HON SIU SHIN, JEW KWEE GUI, ADRIAN FAWCETT,
KENNETH P. CHAO, GARY L. BORDENKIRCHER,
JESSICA BARZILAI AND DONALD R. SANDELL,**
Senior Party
(Application 09/496,408)²

Patent Interference No. 105,141

Before SCHAFER, LEE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT – RULE 602

¹ Based on Application 09/672,726, filed September 28, 2000. The real party in interest is Applera Corporation. Paper No. 36.

² Filed February 2, 2000. The real party in interest is Applera Corporation.

Interference No. 105,141
Elsener v. Shin

On July 15, 2004, a response to the show cause order of June 15, 2004, was filed, in which the common assignee Applera Corporation elects the junior party Elsener as being entitled to priority as to the subject matter of the count. Accordingly, it is

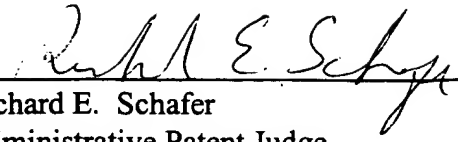
ORDERED that judgment as to the subject matter of the sole count, Count 1, is hereby entered against senior party HON SIU SHIN, JEW KWEE NGUI, ADRIAN FAWCETT, KENNETH P. CHAO, GARY L. BORDENKIRCHER, JESSICA BARZILAI and DONALD R. SANDELL;


FURTHER ORDERED that senior party HON SIU SHIN, JEW KWEE NGUI, ADRIAN FAWCETT, KENNETH P. CHAO, GARY L. BORDENKIRCHER, JESSICA BARZILAI and DONALD R. SANDELL is not entitled to claims 1, 2, 4, 6-8, 10, 18-23 and 40-42 of its involved application 09/496,408;

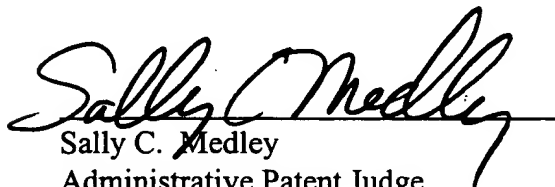
FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

Interference No. 105,141
Elsener v. Shin


Richard E. Schafer
Administrative Patent Judge


Jameson Lee
Administrative Patent Judge


Sally C. Medley
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,141
Elsener v. Shin

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